

347—218.215(91D) Elementary or secondary schools and other educational establishments and institutions. To be considered for exemption as employed in the capacity of academic administrative personnel, the employment must be in connection with the operation of an elementary or secondary school system, an institution of higher education, or other educational establishment or institution. 347—subrules 215.3(5) and 215.3(21) define elementary and secondary schools as those day or residential schools which provide elementary or secondary education, as determined under Iowa law. Education above the secondary school level is included in the programs of institutions of higher education. Special schools for mentally or physically handicapped or gifted children are included among the educational establishments in which teachers and academic administrative personnel may qualify for the administrative exemption, regardless of any classification of such schools as elementary, secondary, or higher. Also, for purposes of the exemption, no distinction is drawn between public or private schools. Accordingly, the classification for other purposes of the school system, or educational establishment or institution, is ordinarily not a matter requiring consideration in a determination of whether the exemption applies. If the work is that of a teacher or academic personnel in an educational system, establishment, or institution, and if the other requirements are met, the level of instruction involved and the status of the school as public or private or operated for profit or not for profit will not alter the avail ability of the exemption.

SOURCE: 29 CFR 541.215.